

SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS

June 3, 2004

MINUTES

THE FOLLOWING MINUTES ARE A SUMMARY OF ACTIONS TAKEN BY THE REGIONAL COUNCIL. AUDIO CASSETTE TAPE OF THE ACTUAL MEETING IS AVAILABLE FOR LISTENING IN SCAG'S OFFICE.

The Regional Council of the Southern California Association of Governments held its meeting at the Temecula Creek Inn, Temecula, California. The meeting was called to order by the President Councilmember Ron Roberts, City of Temecula. There was a quorum.

Members Present

Councilmember Ron Roberts, Temecula, President	District 5
Supervisor Hank Kuiper, Imperial County, 1st VP	
Mayor Toni Young, Port Hueneme, 2 nd VP	District 45
Councilmember Bev Perry, Brea, Immediate Past President	District 22
Supervisor Marion Ashley, Riverside County	
Supervisor Paul Biane, San Bernardino County	
Supervisor Chris Norby, Orange County	
Councilmember Bonnie Flickinger, Moreno Valley	District 3
Mayor Ron Loveridge, Riverside	District 4
Mayor Lee Ann Garcia, Grand Terrace	District 6
Councilmember Deborah Robertson, Rialto	District 8
Mayor Bill Alexander, Rancho Cucamonga	District 9
Mayor Gary Ovitt, Ontario	District 10
Mayor Lawrence Dale, Barstow	District 11
Councilmember Richard Dixon, Lake Forest	District 13
Councilmember Tod Ridgeway, Newport Beach	District 14
Councilmember Lou Bone, Tustin	District 17
Councilmember Ron Bates, Los Alamitos	District 20
Councilmember Art Brown, Buena Park	District 21
Councilmember Paul Bowlen, Cerritos	District 23
Councilmember Gene Daniels, Paramount	District 24
Councilmember Keith McCarthy, Downey	District 25
Councilmember Frank Gurule, Cudahy	District 27
Councilmember Tonia Reyes-Uranga, Long Beach	District 30
Councilmember Margaret Clark, Rosemead	District 32
Councilmember Paul Talbot, Alhambra	District 34
Councilmember Harry Baldwin, San Gabriel	District 35
Councilmember Llewellyn Miller, Claremont	District 38
Councilmember Paul Nowatka, Torrance	District 39
Councilmember Jim Aldinger, Manhattan Beach	District 40
Councilmember Pam O'Connor, Santa Monica	District 41
Councilmember Dennis Washburn, Calabasas	District 44

Councilmember Thomas Buckley, Lake Elsinore	District 63
Councilmember Debbie Cook, Huntington Beach	District 64
Councilmember Ted Burgnon, Town of Apple Valley	District 65
Councilmember Robin Lowe, Hemet	RCTC
Supervisor Charles Smith, County of Orange	OCTA

Members Not Present

Supervisor Judy Mikels, Ventura County	
Supervisor Zev Yaroslavsky, LA County	
Supervisor Yvonne Burke, LA County	
Councilmember Jo Shields, Brawley	District 1
Councilmember Greg Pettis, Cathedral City	District 2
Councilmember Susan Longville, San Bernardino	District 7
Councilmember Cathryn De Young, Laguna Niguel	District 12
Councilmember Alta Duke, La Palma	District 18
Councilmember Richard Chavez, Anaheim	District 19
Councilmember Isadore Hall, Compton	District 26
Councilmember Judy Dunlap, Inglewood	District 28
Councilmember Bonnie Lowenthal, Long Beach	District 29
Councilmember Dick Stanford, Azusa	District 33
Councilmember Sid Tyler, Pasadena	District 36
Councilmember Tom Sykes, Walnut	District 37
Councilmember Bob Yousefian, Glendale	District 42
Councilmember Glen Becerra, Simi Valley	District 46
Councilmember Carl Morehouse, San Buenaventura	District 47
Councilmember Ed Reyes, Los Angeles	District 48
Councilmember Wendy Greuel, Los Angeles	District 49
Councilmember Dennis Zine, Los Angeles	District 50
Councilmember Tom LaBonge, Los Angeles	District 51
Councilmember Jack Weiss, Los Angeles	District 52
Councilmember Tony Cardenas, Los Angeles	District 53
Councilmember Alex Padilla, Los Angeles	District 54
Councilmember Bernard Parks, Los Angeles	District 55
Councilmember Jan Perry, Los Angeles	District 56
Councilmember Nate Holden, Los Angeles	District 57
Councilmember Cindy Miscikowski, Los Angeles	District 58
Councilmember Greig Smith, Los Angeles	District 59
Councilmember Eric Garcetti, Los Angeles	District 60
Councilmember Antonio Villariagosa, Los Angeles	District 61
Councilmember Janice Hahn, Los Angeles	District 62
Mayor James Hahn, Los Angeles	At-Large
Mayor Bill Davis, Simi Valley	VCTC

Staff Present

Mark Pisano, Executive Director
 Jim Gosnell, Deputy Executive Director
 Heather Copp, Chief Financial Officer

Colin Lennard, General Counsel
Karen Tachiki, Chief Counsel
Hasan Ikrata, Director, Planning & Policy
Huasha Liu, Acting Director, Information Services
Shelia Stewart, Executive Assistant

1.0 CALL TO ORDER & PLEDGE OF ALLEGIANCE

Led by Councilmember Ron Bates, City of Los Alamitos

2.0 PUBLIC COMMENT PERIOD

There were no comments presented at this time. However Councilmember Bates announced his resignation after 30 years of public service. He thanked Regional Council members for their work on regional projects as well as the efforts to accomplish goals for the SCAG region. In addition he thanked SCAG staff for their help and work over the years.

SPECIAL PRESENTATION

President Roberts stated that outgoing Regional Council members as well as Chairs and Vice Chairs of policy committees were presented service awards at the 2004 General Assembly (GA). Mayor Bill Alexander was unable to attend the Awards Luncheon at the GA and was presented a service award by the President for serving as Chair of Community, Economic, and Human Development Committee for year 2004.

3.0 CONSENT CALENDAR

Items 3.1.3 and 3.1.6 were pulled for discussion The remaining consent calendar items were MOVED (Kuiper), SECONDED (Alexander) and UNANIMOUSLY APPROVED

3.1 Approval Items

3.1.1 Approve Minutes of May 6, 2004

It was noted that Supervisor Charles Smith attended the May & June meeting.

3.1.2 Contracts

- National Engineering Technology Corporation (NET)
- Rafiq & Associates

3.1.4 Approve New MOU with Riverside Transit Agency for ITS Transit Project

3.1.5 Approve Joint Meeting with Santa Barbara County Association of Governments to be held in July, 2004

- 3.1.7 Adopt Resolution #04-453-1 authorizing Executive Director to delegate authority to the Deputy Executive Director
- 3.1.8 Authorization to Execute MOU between SCAG & Calif. State University LA (CSULA) for grants awarded to CSULA by the FTA
- 3.1.9 Approve Submittal of Letter Supporting House & Senate Bill Provisions to Fund Transportation Programs for Indian Reservations in the Reauthorization of TEA-21
- 3.1.10 Support Housing Legislation AB 2158 (Lowenthal) and AB 2348 (Mullin)

Items Pulled

- 3.1.3 Authorize Submittal of Letter in Support of S.1107 (Thomas)

S. 1107 makes permanent a user fee presently collected as demonstration project by the National Park Service. The fees are used for visitor services, maintenance and repair of facilities, and cultural and natural resource management. The EEC was supportive of the bill however asked that a letter be sent to the author addressing Congress' ongoing need to commit funds to parks and extend the bill to the National Forest Service.

Councilmember Clark offered a substitute motion and recommended that a letter not be sent due to certain restrictions within the bill. It was MOVED and SECONDED. There were 7 AYES and 31 NOES. The motion failed

Main Motion

It was MOVED and SECONDED. There were 31 AYES and 7 NOES to send a letter of support. The motion passed.

- 3.1.6 Consideration to Adopt Master Fund Transfer Agreement

Karen Tachiki, Chief Counsel, stated that late in calendar year 2003, Caltrans requested all MPO's, in the state, including SCAG to enter into a new proposed Master Fund Transfer Agreement (MFTA). The MFTA is the agreement by which Caltrans administers the Consolidated Planning Grant funds.

It is recommended that the Executive Director be authorized to take appropriate action regarding the new Proposed MFTA. It was MOVED (Perry), SECONDED (Washburn) and UNANIMOUSLY APPROVED.

3.2 Receive & File

- 3.2.1 Contracts & PO between \$5,000 - \$25,000

3.2.2 Conflict of Interest Listing

3.2.3 SCAG Legislative Matrix

3.2.4 Key Issues from Policy Committees Meeting on May 6, 2004

3.3 PRESIDENT'S REPORT

3.1.1 Announcement of Chairs & Vice Chairs

CEHD – Councilmember Deborah Robertson selected as Chair
Councilmember Paul Bowlen selected as Vice Chair

TCC – Councilmember Lee Ann Garcia selected as Chair
Councilmember Harry Baldwin selected as Vice Chair

EEC – Supervisor Hank Kuiper selected as Chair
Councilmember Margaret Clark selected as Vice Chair

The Chair and Vice Chair for the Administration Committee will be announced at the August meeting.

3.3.2 Report on June Retreat

President Roberts stated that the retreat held on June 2 and June 3 at Temecula Creek Inn in the City of Temecula was well attended.

The focus of the retreat included discussions on Conformity and Funding Implications; Fiscal Year 2004-2005 Work Program Objectives; Task Force Review; and Succession Planning

In addition he gave a brief overview regarding the subcommittee and task forces. President Roberts stated he would adhere to the same process as last year. Subcommittee and task force members will be contacted to find out if they are still interested in serving in their current capacity.

Cancellation of July Meeting

It was MOVED (Perry), SECONDED (McCarthy) and UNANIMOUSLY APPROVED to cancel the July meetings and authorize the Executive Committee to convene in July if there is a need to act on any contract and forward to the Regional Council for ratification in August.

3.3.3 Appointments

There were no appointments however, President Roberts welcomed new RC member, Councilmember Jim Aldinger, Manhattan Beach. Councilmember Aldinger will represent District #40.

3.4 EXECUTIVE DIRECTOR'S REPORT

Mark Pisano noted that the items contained within his report were covered during the retreat. However he would be available to answer any questions regarding his report.

4.0 ACTION ITEMS

4.1 Community & Human Development Committee (CEHD) Report

4.1.1 Compass Growth Vision

Mayor Alexander, Chair, reported that on May 6, 2004 the CEHD unanimously approved Compass Growth Visioning Report and Implementation Framework. The report is culmination of 4 years of effort lead by CEHD's Growth Visioning Subcommittee. He stated that the report represented a broad consensus on the future of the region and has had participation of thousands of residents. The CEHD recommended that the Regional Council approve the report.

A power point presentation was given by John Fregonese, Consultant, on the Compass Growth Visioning Project. After the presentation and questions, it was MOVED (Alexander), SECONDED (Kuiper) UNANIMOUSLY APPROVED to approve the Compass Growth Vision and Implementation Program.

4.1.2 Report on Housing Summit

Councilmember Robertson gave a report on Housing Summit. There were approximately 200 attendees. Staff was thanked for their hard work and efforts in making the summit a successful event.

- **Off Agenda Item**

The need to take action arose after the posting of the agenda
It was MOVED (Alexander) and SECONDED (Perry) that AB 2702 (Steinberg) be added to agenda for action.

AB 2702 is intended to increase the supply of housing and spur in-fill development by limiting local governments' ability to deny or place restrictions on the development of second housing units.
While SCAG supports the concept of in-fill housing, AB2702 places restrictions on local government policy making ability and attempts to

impose a “one size fits all” rule to local governments not allowing for differences in communities.

It was MOVED (Alexander), SECONDED (Washurn) and UNANIMOUSLY APPROVED to oppose AB 2702.

4.2 **Administration Committee Report**

4.2.1 **Legal Services Contract**

The Executive Committee is currently reviewing legal services provided to SCAG. While that review is taking place it is recommended that a contract be entered into, terminable upon 30 days notice, for continuation of legal services with the Fulbright & Jaworski law firm to provide for the continuing representation of SCAG by Colin Lennard as SCAG’s General Counsel. It was MOVED (Dixon), SECONDED (Brown) and UNANIMOUSLY APPROVED to approve continuation of legal services terminable with 30 days notice.

4.2.2 **Authorize General Fund Expenditure For Legal Consultant Fees**

SCAG’s 2004 Regional Transportation Plan calls for the investment of \$62 billion in private financing for regional transportation projects including truck and rail capacity enhancements and Maglev.

It is recommended that the Regional Council authorize the expenditure of up to \$20,000 for specialized bill drafting assistance to implement the 2004 Regional Transportation Plan’s private financing strategies while an opportunity exists to coordinate SCAG’s efforts with similar efforts occurring on state and federal levels.

It was MOVED (Dixon), SECONDED (Kuiper) and UNANIMOUSLY APPROVED to approve the recommendation as presented.

4.3 **Transportation & Communications Committee (TCC) Report**

4.4.1 **AB 2628 (Pavley) HOV Lanes**

AB 2628 allows advanced technology Partial Zero-Emission Vehicles (PZEV or “hybrid” vehicles) to use high occupancy vehicle lanes (HOV) regardless of existing required vehicle occupancy levels. Current law, AB 71 (Cunneen), Chapter 330, Statutes of 1999 extends the privilege of HOV lane use to battery electric and compressed natural gas vehicles (Ultra-Low Emission Vehicles or Super-Ultra Low Emission Vehicles). AB 2628 would further extend that privilege to hybrid vehicles. The TCC recommended opposing AB 2628.

It was MOVED (Baldwin), SECONDED (Ashley, Perry) to oppose AB 2628 with one OPPOSE (Buckley).

4.5 **Energy & Environment Committee (EEC) Report**

No report.

4.6 **Communication Task Force Report**

Councilmember McCarthy reported that the task force discussed proposed revisions to the Communication Strategy Update which will be presented at the next Regional Council meeting. He also noted that the next Economic Conference is scheduled for November 18, 2004.

5.0 **INFORMATION ITEMS**

5.1 **Monthly Financial Report**

No report given at this time.

6.0 **FUTURE AGENDA ITEMS**

Councilmember Washburn requested to have the item "Watch the Road & Traffic Project" placed on the August TCC agenda.

7.0 **LEGAL COUNSEL REPORT**

7.1 **Closed Session**

It was MOVED, SECONDED and UNANIMOUSLY APPROVED to enter into closed session.

- **Performance Evaluation of Executive Director**
Pursuant to California Government Code
§54957 b(1)
- **Morrison v. SCAG**
Conference with Legal Counsel Government Code
section 54956.9(a) Morrison v. Southern California
Association of Governments et al. Superior Court,
Los Angeles County, Case No. BC 312066

Returning to open session:

The Executive Director's compensation was discussed and the action taken by the Regional Council will be reported under item 8.0

With regard to Morrison v. SCAG, a report was given but no action taken.

The following items were not discussed.

- Deanna Wetherbee-Distel et al. vs. City of Riverside; County of Riverside; Riverside County Transportation Commission; Riverside County Flood Control and Water Conservation District; Southern California Association of Governments; Riverside Transit Agency; Western Municipal Water District

Conference with Legal Counsel re: pending litigation pursuant to California Government Code Section 54956.9

- HDR Appeal
Conference with Legal Counsel – anticipated litigation
Significant exposure to litigation pursuant to California Government Code Subdivision C §54956.9 (one potential case)
- SCAG v. HCD & BT&H
Conference with Legal Counsel - existing litigation to be heard in closed session in pursuant to California Government Code Section §54956.9(a)

8.0 Executive Committee Recommendation on Executive Director Compensation

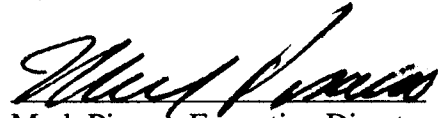
It was MOVED, SECONDED and UNANIMOUSLY APPROVED to increase the Executive Director salary 5%..

9.0 ANNOUNCEMENTS

There were no announcements at this time.

10.0 ADJOURNMENT

The next meeting is scheduled for September 2, 2004 at SCAG Offices downtown Los Angeles.


Mark Pisano, Executive Director